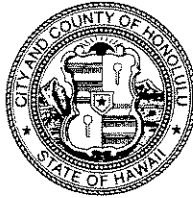


DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
TELEPHONE: (808) 768-8000 • FAX: (808) 527-6743
INTERNET: www.honolulu.gov • DEPT. WEB SITE: www.honolulupp.org



MUFI HANNEMANN
MAYOR

HENRY ENG, FAICP
DIRECTOR

DAVID K. TANOUÉ
DEPUTY DIRECTOR

May 14, 2008

The Honorable Barbara Marshall, Chair
and Members
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

RECEIVED

CITY CLERK
HONOLULU, HAWAII
MAY 15 10 09 AM '08

Dear Chair Marshall and Councilmembers:

Subject Notice of Introduction of a Resolution for a Council
Proposal to Amend the Zoning Ordinance

This is to confirm receipt of Resolution 08-122, entitled:

"Resolution proposing an amendment to Chapter 21, Revised Ordinances of
Honolulu 1990 (The Land Use Ordinance), as amended, relating to signs for
eating establishments in the Waikiki Special District."

The resolution was time-stamped May 9, 2008; 9:55 a.m.

The Department will notify the Council of the sufficiency of the documentation provided
for the proposal within 30 days of the submission of the documentation to the director.

If you have any questions, please call me at 768-8000.

Very truly yours,

A handwritten signature in black ink, appearing to read "Henry Eng".

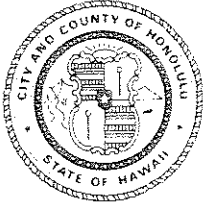
Henry Eng, FAICP, Director
Department of Planning and Permitting

HE:fm

APPROVED:

A handwritten signature in black ink, appearing to read "Wayne M. Hashino".

Wayne M. Hashino, P.E.
Managing Director



DENISE C. DE COSTA
CITY CLERK

OFFICE OF THE CITY CLERK
RECEIVED
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813 / TELEPHONE 768-3810

'08 MAY -9 A10:02

May 8, 2008

DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

VIA E-MAIL AND CITY MESSENGER

TO: HENRY ENG, DIRECTOR
DEPARTMENT OF PLANNING AND PERMITTING

FROM: DENISE DE COSTA, CITY CLERK *dd*

SUBJECT: NOTICE OF INTRODUCTION OF A RESOLUTION FOR A COUNCIL
PROPOSAL TO AMEND THE GENERAL PLAN, THE DEVELOPMENT
PLANS, THE ZONING ORDINANCES, OR THE SUBDIVISION
ORDINANCE

RESOLUTION 08-122, entitled:

"RESOLUTION PROPOSING AN AMENDMENT TO CHAPTER 21, REVISED
ORDINANCES OF HONOLULU 1990 (THE LAND USE ORDINANCE), AS
AMENDED, RELATING TO SIGNS FOR EATING ESTABLISHMENTS IN THE
WAIKIKI SPECIAL DISTRICT,"

was introduced on May 7, 2008, and was referred to the Committee on Zoning.
Pursuant to Ordinance 08-8, a copy of the Resolution is transmitted herewith.

Ordinance 08-8 further requires you to promptly stamp the date and time of receipt of
this document on this transmittal letter and to notify the Council in writing of the date of
receipt.

cu

Attachment: Resolution 08-122



RESOLUTION

PROPOSING AN AMENDMENT TO CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1990 (THE LAND USE ORDINANCE), AS AMENDED, RELATING TO SIGNS FOR EATING ESTABLISHMENTS IN THE WAIKIKI SPECIAL DISTRICT.

WHEREAS, eating establishments in the Waikiki Special District differ from eating establishments in other areas of Oahu because a significant number of their customers consist of walk-in tourists from Waikiki's sidewalk pedestrian traffic; and

WHEREAS, a key factor in attracting customers from this street-level pedestrian traffic is the ability to display the eating establishment's menu to passers by; and

WHEREAS, in this regard, eating establishments located above and below the ground floor in Waikiki are at a significant disadvantage because current sign regulations prohibit them from displaying their menus at street level; and

WHEREAS, for the foregoing reasons, the council desires to propose amendments to the sign regulations of Chapter 21, Revised Ordinances of Honolulu 1990, as amended (ROH), (the Land Use Ordinance) to allow eating establishments located above and below the ground floor in the Waikiki Special District to display their menus at street level; and

WHEREAS, Section 6-1513 of the Revised Charter of the City and County of Honolulu 1973, as amended (RCH), provides that "[a]ny revision of or amendment to the zoning ordinances may be proposed by the council and shall be processed in the same manner as if proposed by the director [of planning and permitting]"; and

WHEREAS, ROH Chapter 2, Article 24, as enacted by Ordinance 08-8, establishes procedures and deadlines for processing council proposals to revise or amend the general plan, the development plans, the zoning ordinances, and the subdivision ordinance, and clarifies the responsibility of the director of planning and permitting to assist the council in adequately preparing its proposals for processing; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the director of planning and permitting and the Planning Commission are directed, pursuant to RCH Section 6-1513 and ROH Chapter 2, Article 24, to process the proposed amendment to ROH Chapter 21 (the Land Use Ordinance) attached hereto as Exhibit "A," in the same manner as if the proposal had been proposed by the director; and



RESOLUTION

BE IT FURTHER RESOLVED that the director of planning and permitting is directed to inform the council upon the transmittal of the director's report and the proposed Land Use Ordinance amendment to the Planning Commission; and

BE IT FINALLY RESOLVED that, pursuant to ROH Chapter 2, Article 24, the clerk shall transmit copies of this Resolution and the Exhibit attached hereto to the director of planning and permitting and the Planning Commission of the City and County of Honolulu, and shall advise them in writing of the date by which the director's report and accompanying proposed ordinance are required to be submitted to the Planning Commission.

INTRODUCED BY:

Ed Lam
Rory M. Smith
John Kobayashi
[Signature]

DATE OF INTRODUCTION:

MAY 07 2008

Honolulu, Hawaii

Councilmembers

EXHIBIT A



A BILL FOR AN ORDINANCE

RELATING TO SIGNS FOR EATING ESTABLISHMENTS IN THE WAIKIKI SPECIAL DISTRICT.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. The purpose of this ordinance is to amend the Land Use Ordinance to permit eating establishments located above and below the ground floor in the Waikiki Special District to display their menus at street level.

SECTION 2. Section 21-7.40 ("Specific district sign standards"), Revised Ordinances of Honolulu 1990, as amended, is amended by amending subsection (I) to read as follows:

"(I) Waikiki District. Except as otherwise provided by this chapter, the following signs may be permitted [for each ground floor establishment with building frontage, provided the signs shall not be directly illuminated, and may be wall, marquee fascia or hanging signs.];

(1) For each ground floor establishment with building frontage, the following signs, provided the signs shall not be directly illuminated and, unless otherwise stated, shall be wall, marquee fascia, or hanging signs:

[(1)](A) Apartment Precinct and Apartment Mixed Use Subprecinct.

[(A)](i) In connection with any principal use permitted, other than one-family and two-family dwellings, only one identification sign per building frontage, not exceeding 12 square feet in area.

[(B)](ii) If all buildings on the street frontage of the zoning lot are set back a minimum of 50 feet from the property line on their entry sides, one ground identification or directory sign, not directly illuminated and not exceeding eight square feet in area, shall also be permitted for each entry side. These ground signs shall not be located in any required yard. In lieu of one of the above signs, one garden sign may be permitted.



A BILL FOR AN ORDINANCE

[(C)](iii) In addition to the above, the following may be permitted in the apartment mixed use subprecinct:

[(i)](aa) One directory sign per zoning lot, not exceeding 12 square feet in area, which may be a ground sign not exceeding six feet in height, a wall sign or a garden sign; and

[(ii)](bb) One building identification sign per building frontage, not exceeding four square feet in area.

[(2)](B) Resort Mixed Use and Resort Commercial Precincts.

[(A)](i) In connection with any principal use permitted, other than one-family and two-family dwellings, only one business sign, per building frontage, with a maximum area of one square foot per two linear feet of the building frontage or 24 square feet, whichever is less.

[(B)](ii) In addition to the sign referred to in [paragraph (A)] subparagraph (i) above, the following may be permitted:

[(i)](aa) One directory sign per zoning lot, not exceeding 12 square feet in area, which may be a ground sign not exceeding six feet in height, a wall sign or a garden sign; and

[(ii)](bb) One building identification sign per building frontage, not exceeding four square feet in area.

[(3)](2) A permitted outdoor vending cart, kiosk or similar vending structure, when visible from a street, sidewalk or public space, may be permitted the following:

(A) One business identification sign not exceeding three square feet in area; and



A BILL FOR AN ORDINANCE

- (B) One price sign, not exceeding two square feet in area, to advertise the cost of goods and services provided by the establishment.

These signs shall be wholly attached to the vending structure.

- [(4)](3) For each second floor establishment with building frontage in the apartment mixed use subprecinct, resort commercial precinct and resort mixed use precinct, one wall identification sign may be permitted. The maximum sign area shall be six square feet and the sign shall not be illuminated.

- (4) Each eating establishment located above or below the ground floor may have a portable sign that displays the menu of the establishment at street level. The maximum sign area shall be six square feet and the sign shall not be illuminated. The sign shall be located on private property at the street level entrance to the building in which the eating establishment is located, provided that if the building has more than one street level entrance, the sign shall be located at the entrance nearest the eating establishment.

- (5) All signs shall feature English or Hawaiian as the dominant language thereon; other languages are permitted but the lettering thereof must be subordinate to the English or Hawaiian lettering."

SECTION 3. Section 21-9.80-4 ("General requirements and design controls"), Revised Ordinances of Honolulu 1990, as amended, is amended by amending subsection (a) to read as follows:

- "(a) Uses and Structures Allowed in Required Yards and Setbacks. The provisions of Section 21-4.30 shall apply except as provided by this subsection. No business activity of any kind, including advertising, promotion, solicitation, merchandising or distribution of commercial handbills, or structures or any other use or activity, except as provided by this subsection, shall be located or carried out within any required yard, street or building setback area, except those areas occupied by enclosed nonconforming buildings. The following may be allowed in required yards and setbacks, and when used as provided by this subsection shall not be considered to change a yard's status as open space:

- (1) Newspaper sales and distribution.



A BILL FOR AN ORDINANCE

- (2) Garden signs.
- (3) Porte cocheres no less than five feet back from the property line or road widening setback.
- (4) Roof eaves, awnings (including retractable awnings) and other sunshade devices not more than 42 inches vertically or horizontally beyond the building face, except as otherwise provided by this subsection. On buildings over 60 feet in height, roof eaves may extend more than 42 inches into a required yard, street setback or height setback area if the resulting roof form is integral to a cohesive, coherent design character for the structure. In no case, however, shall such extension exceed one-half the width of the required yard or height setback.
- (5) Outdoor dining areas accessory to permitted eating establishments in required front yards, subject to the following:
 - (A) A planter or hedge of not more than 30 inches in height may be provided to define the perimeter of the outdoor dining area.
 - (B) An outdoor dining area shall be no less than five feet from any property line.
 - (C) Outdoor dining facilities shall be limited to portable chairs, tables, serving devices and umbrellas. When umbrellas are used, they shall not be counted against open space calculations.
 - (D) No more than 40 percent of the front yard may be used as an accessory outdoor dining area, subject to an acceptable design. The remainder of the front yard shall be landscaped except for necessary access drives and walkways, and where lei stands are used as permitted under subdivision (6).
 - (E) Retractable awnings directly associated with an outdoor dining area may extend from the building face into the front yard by no more than 50 percent of the depth of the front yard.
 - (F) Sidewalk improvements such as, but not limited to, street trees, paving and landscaping, may be required.



A BILL FOR AN ORDINANCE

- (G) Outdoor dining areas shall not be used after 11 p.m. and before 7 a.m.
 - (H) No dancing, entertainment, or live or recorded music shall be permitted in outdoor dining areas, provided that strolling musicians using nonamplified acoustic stringed instruments or traditional Hawaiian wind instruments shall be permitted to perform no later than 10 p.m. when the dining areas are in use.
 - (I) The requirements under paragraphs (A) through (F) may be modified, subject to a major or minor special district permit, as required by Table 21-9.6(C), to a reasonable extent as may be necessary and appropriate to adequately accommodate outdoor dining areas associated with structures that are nonconforming due to required yards, landscaping and/or open spaces.
- (6) Lei making and selling in required front yards on zoning lots where retail establishments are a permitted principal use, provided the following standards are met:
- (A) The activity shall be no less than five feet from any property line.
 - (B) No more than 10 percent of the front yard may be used for lei stands. The remainder of the front yard shall be landscaped except for necessary access drives or walkways, and where outdoor dining is used as permitted under subdivision (5).
 - (C) Signs. Refer to Article 7 for permitted signs.
 - (D) The operator of a lei stand shall provide for the concealed disposal of trash associated with the use.
- (7) Vending carts in required front yards on zoning lots where retail establishments are a permitted principal use, provided the following standards are met:
- (A) The front yard shall conform to the applicable front yard standard set forth in Table 21-9.6(B).



A BILL FOR AN ORDINANCE

- (B) Only food, nonalcoholic drinks and fresh cut or picked flowers may be sold. Food consistent with a Hawaiian sense of place shall be encouraged.
 - (C) The cart shall be no less than five feet from any property line.
 - (D) Only one cart per front yard per zoning lot shall be permitted.
 - (E) Permitted signs shall be in accordance with Article 7.
 - (F) The cart operator shall provide for the concealed disposal of trash associated with the use.
- (8) Walls and fences for dwelling uses, other than nonconforming hotels and/or transient vacation units, in the apartment precinct, up to a maximum height of six feet, provided the wall or fence shall be set back not less than 24 inches from the front property line and shall be acceptably screened with planting material from the street side. The wall or fence shall consist of an open material, preferably wrought iron or lattice work, but not chain link. Solid walls are discouraged, but may be permitted when constructed of an acceptable material, such as wood, moss rock or stucco-finished masonry, set back at least five feet from the front property line and acceptably screened with planting material from the street side.
- (9) Portable menu signs permitted by Section 21-7.40(l)(4) for eating establishments located above or below the ground floor.

SECTION 4. Ordinance material to be repealed is bracketed. New material is underscored. When revising, compiling or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the brackets, the bracketed material or the underscoring.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL _____ **(2008)**

A BILL FOR AN ORDINANCE

SECTION 5. This ordinance shall take effect upon its approval.

INTRODUCED BY:

DATE OF INTRODUCTION:

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 200____.

MUFU HANNEMANN, Mayor
City and County of Honolulu